

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 20-cr-261 (DSD/TNL)

Plaintiff,

**ARRAIGNMENT NOTICE
&
ORDER**

v.

Aditya Raj Sharma,

Defendant.

This matter comes before the Court on Defendant Aditya Raj Sharma's Motions for Extension of Time to File Pretrial Motions and to Exclude Time Under the Speedy Trial Act, ECF Nos. 17, 18. Defendant has also filed a Statement of Facts in Support of Exclusion of Time Under Speedy Trial Act, ECF No. 19. Defendant requests a four-week extension of time due to voluminous discovery and forthcoming additional discovery. The Government has no objection to the requested extension.

Additionally, beginning on March 13, 2020, and continuing thereafter, the Honorable John R. Tunheim, Chief District Judge for the United States District Court for the District of Minnesota, has issued a series of General Orders in connection with the COVID-19 pandemic, addressing, among other things, criminal proceedings and trials.¹ On November 24, 2020, Chief Judge Tunheim entered General Order No. 22, which continues all in-person hearings, unless the presiding judge determines that an in-person

¹ All General Orders related to the COVID-19 pandemic may be found on the Court's website at <https://www.mnd.uscourts.gov/coronavirus-covid-19-guidance>.

hearing is necessary, through January 31, 2021, and states that no new criminal trial may commence before February 1, 2021. *See generally In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 22 (D. Minn. Nov. 24, 2020).

General Order No. 22 continues to encourage the use of videoconferencing in criminal proceedings and states that, with the defendant's consent, criminal proceedings will be conducted by videoconferencing, or telephone conferencing if videoconferencing is not reasonably available.² General Order No. 22 further provides that, if the defendant declines to consent to proceeding by videoconferencing or telephone conferencing, the matter can be continued until an in-person hearing can be held and time may be excluded under the Speedy Trial Act. **Accordingly, should Defendant file pretrial motions, counsel shall also file a letter indicating whether Defendant consents to arraignment and a motion hearing by videoconference.**

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources. Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

² *See also* General Order No. 19, which went into effect on September 26, 2020, and extends the Court's authorization to conduct certain criminal proceedings via video or telephone conference pursuant to the CARES Act "[b]ecause the emergency created by the COVID-19 outbreak continues to materially affect the functioning of court operations in the District of Minnesota." *In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 19 (D. Minn. Sept. 25, 2020).

1. Defendant's Motion for Extension of Time to File Pretrial Motions, ECF No. 17, is **GRANTED**.

2. Defendant's Motion to Exclude Time Under the Speedy Trial Act, ECF No. 18, is **GRANTED**.

3. The period of time from **December 2, 2020, through February 9, 2021**, shall be excluded from Speedy Trial Act computations in this case.

4. *If Defendant consents to proceed by videoconference, the arraignment shall take place on February 9, 2021, at 10:00 a.m., before the undersigned via Zoom.* If Defendant declines to proceed by videoconferencing, his arraignment will be continued to a date and time to be determined when an in-person hearing can be held consistent with the health and safety protocols of this Court.

5. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **January 6, 2021**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Leung.

6. **Should Defendant file pretrial motions, counsel shall also file a letter on or before January 6, 2021, indicating whether the defendant consents to arraignment and a motion hearing by videoconference.**

7. Counsel shall electronically file a letter on or before **January 6, 2021**, if no motions will be filed and there is no need for hearing.

8. All responses to motions shall be filed by **January 21, 2021**. D. Minn. LR 12.1(c)(2).

9. Any Notice of Intent to Call Witnesses shall be filed by **January 21, 2021**.
D. Minn. LR. 12.1(c)(3)(A).

10. Any Responsive Notice of Intent to Call Witnesses shall be filed by **January 26, 2021**. D. Minn. LR 12.1(c)(3)(B).

11. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary;
or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

12. If required, *and if Defendant consents to proceed by videoconference*, the motions hearing shall take place on **February 9, 2021, at 10:00 a.m., before the undersigned via Zoom**. D. Minn. LR 12.1(d). If Defendant declines to proceed by videoconferencing, the criminal motions hearing will be continued to a date and time to be determined when an in-person hearing can be scheduled consistent with the health and safety protocols of this Court.

[Continued on next page.]

13. The trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for United States District Judge David S. Doty to confirm the new trial date.

Dated: December 7, 2020

s/ Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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